

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NANCY ANN ASHENHURST-GALLINA,
et al.,

Plaintiffs, CIVIL CASE NO. 08-11464

v.

JAMES A. KANDREVAS, et al.,

HONORABLE PAUL V. GADOLA
U.S. DISTRICT COURT

Defendants.
_____ /

ORDER DISMISSING CASE

On May 14, 2008, Magistrate Judge Mona K. Majzoub issued a Report and Recommendation, recommending that this Court dismiss Plaintiffs' case for failure to state a claim upon which relief can be granted. On June 19, 2008, this Court issued an order declining to adopt the Report and Recommendation, and ordering Plaintiffs to file an amended complaint. Plaintiffs were required to address many deficiencies in their complaint such as a failure to properly identify Defendants, a failure to give addresses for Defendants, a failure to show exhaustion of state court remedies, a lack of jurisdiction due to immunity of Defendants, and a failure to make sufficient allegations of claims against certain Defendants. Plaintiffs were also notified that failure to address these deficiencies might result in the dismissal of Plaintiffs' case. *See* Order Requiring Plaintiffs to Amend Complaint (June 19, 2008) [docket entry #10].

On June 24, 2008, Plaintiffs filed a document entitled "Complaint Amended to Add Defendants." Docket entry #11. The document is only one page and fails to address any of the deficiencies previously identified by the Court. In particular, Plaintiffs have not set out "simple, concise, and direct" allegations against each individual named as a defendant, in violation of Federal

Rule of Civil Procedure 8. Moreover, Plaintiffs are asking this Court to review several state court decisions, which this Court lacks jurisdiction to do under the Rooker-Feldman doctrine. *See generally Coles v. Granville*, 448 F.3d 853 (6th Cir. 2006). In addition, Plaintiffs have not demonstrated exhaustion of state court remedies. Finally, several, if not all, Defendants are employees of governmental entities and are immune from the relief sought by Plaintiffs. *See, e.g., Stump v. Sparkman*, 435 U.S. 349, 364 (1978) (judicial immunity); *Imbler v. Pachtman*, 424 U.S. 409, 427 (1976) (prosecutorial immunity).

ACCORDINGLY, IT IS HEREBY ORDERED that this case is **DISMISSED** in its entirety.

IT IS FURTHER ORDERED that Plaintiffs' motions for stay [docket entries #5, 7, 14, and 17] and Defendant's motion to dismiss [docket entry #18] are **DENIED AS MOOT**.

SO ORDERED.

Dated: August 19, 2008

s/Sean F. Cox for
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on August 19, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Steven R. Makowski; Aaron C. Thomas, and I
hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: William Ashenhurst; Nancy Ann Ashenhurst-Gallina; Charles Patrick Cratty; Kenneth Paul Gallina; Wayne Edward Hayes.

s/Ruth A. Brissaud
Ruth A. Brissaud, Case Manager
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